



SO ORDERED.

SIGNED this 07 day of October, 2008.

A handwritten signature in black ink, appearing to read "A. Thomas Small".

A. Thomas Small
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:)	CASE NO.: 08-05131-8-ATS
)	
EMIL WANAS)	CHAPTER 7
SSN: XXX-XX-0067)	
SOHEIR ISKANDAR)	
SSN: XXX-XX-0068)	
6501 Suburban Drive)	
Raleigh, NC 27615)	
Debtors)	

ORDER AVOIDING JUDICIAL LIEN OF RBC CENTURA BANK

UPON MOTION by Debtors to Avoid Judicial Lien and it appearing that the Motion and a Notice of Hearing were served on September 18, 2008 and parties in interest and that no responsive pleading has been filed within fifteen days of service, that no hearing is necessary and that good cause exists for granting Debtor's Motion, and

IT APPEARS that the Debtors purchased property located at 6501 Suburban Drive, Raleigh, NC 27615 for \$141,500.00. The current market value based on comparables is \$200,000.00. Property is more fully described as follows:

BEING all of Lot Number 23, Block 9, North Haven Subdivision, Part One, Phase One, as recorded in Book of Maps 1968, page 133, of the Wake County Registry.

Property subject to Restrictive Covenants as recorded in Book 1839, page 287, of the Wake County Registry.

IT FURTHER APPEARS that Countrywide Home Loans has a first mortgage on the real property in the amount of \$131,937.71.

IT FURTHER APPEARS that Countrywide Home Loans has a second mortgage on the real property in the amount of \$27,999.04.

IT FURTHER APPEARS that RBC Centura Bank has a third mortgage on the real property in the amount of \$18,719.00.

IT FURTHER APPEARS that the Debtors' net equity in the real property is \$21,344.25. Debtors have exempted \$21,344.25 in equity in the real property.

IT FURTHER APPEARS that RBC Centura Bank has a lien on the above described real property of the Debtors which lien is in the form of a Judgment in the amount of \$5,121.88 docketed as Judgment 08CVD005804 in the office of the Clerk of District Court of Wake County, North Carolina docketed on November 27, 2007.

IT FURTHER APPEARS that such lien impairs an exemption to which the Debtors would have been entitled under N.C.G.S. Chapter 1-C, §1601, et seq. _____

IT FURTHER APPEARS that such lien is a judicial lien.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Judicial Lien of RBC Centura Bank is hereby avoided to the extent the debtors' exemptions are impaired, effective upon entry of the debtors' discharge.

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